

In subsection (a)(1)(ii) and (2) of this section, the word "section" is substituted for the former word "subsection". Although all of the former "subsection" is not revised in this section, the provisions that are relevant to employees who receive tips are found only in this section. The balance of former § 82(b) is revised at §§ 3-401(e) and 3-418 of this subtitle.

In subsection (a)(2) of this section, the former phrase "among employees who customarily and regularly receive tips" is deleted as unnecessary in light of subsection (a)(1)(i) of this section and, to the extent that the former phrase suggested that this section applies to other employees, as misleading.

In subsection (c) of this section, the former limits in effect before March 31, 1991, and the reference to "beginning March 31, 1991" are deleted as obsolete. These deletions do not affect the resolution of claims for wages earned before that date.

Defined terms: "Commissioner" § 3-101

"Employer" § 3-401

"Wage" § 3-401

3-420. OVERTIME.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN EMPLOYER SHALL COMPUTE THE WAGE FOR OVERTIME UNDER § 3-415 OF THIS SUBTITLE ON THE BASIS OF EACH HOUR OVER 40 HOURS THAT AN EMPLOYEE WORKS DURING 1 WORKWEEK.

(B) MUSIC OR THEATER CRAFT OR TRADE.

NOTWITHSTANDING § 3-415(B)(8) OF THIS SUBTITLE, AN EMPLOYER THAT IS NOT A NOT FOR PROFIT ORGANIZATION AND IS A CONCERT PROMOTER, LEGITIMATE THEATER, MUSIC FESTIVAL, MUSIC PAVILION, OR THEATRICAL SHOW SHALL PAY OVERTIME FOR A CRAFT OR TRADE EMPLOYEE AS REQUIRED IN SUBSECTION (A) OF THIS SECTION.

(C) FARM WORK.

THE WAGE FOR OVERTIME MAY BE COMPUTED ON THE BASIS OF EACH HOUR OVER 60 HOURS THAT AN EMPLOYEE WORKS DURING 1 WORKWEEK FOR AN EMPLOYEE WHO:

(1) IS ENGAGED IN AGRICULTURE; AND

(2) IS EXEMPT FROM THE OVERTIME PROVISIONS OF THE FEDERAL ACT.

(D) BOWLING ESTABLISHMENTS; INFIRMARIES.